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Paper No. 8

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JUL 01 2002

OFFICE OF PETITIONS

In re Application of :
Lang, et al. :
Application No. 09/853,827 :
Filed: May 11, 2001 :
Attorney Docket No. 4989-009 :
Title: AUTOMATIC CONFIGURATION FOR :
PORTABLE DEVICES :
DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a),
filed June 10, 2002.

The renewed petition under 37 CFR 1.47(a) is GRANTED.

The above-identified application was filed on May 11, 2001. On
July 11, 2001, petitioner was mailed a "Notice to File Missing
Parts of Nonprovisional Application - Filing Date Granted,"
requiring an executed oath or declaration and a surcharge for its
late filing. This Notice set a two-month period for reply.

In reply, petitioner filed a petition under 37 CFR 1.47(a) (and
fee) and paid the surcharge for late filing of the declaration.
To make timely this reply, applicant obtained a two month
extension of time and included a Certificate of Mailing dated
November 13, 2001 (November 11 was a Sunday, November 12 was a
federal holiday). Accompanying the petition was a declaration by
Jennifer Rush, detailing the facts concerning co-inventors
Lang's, Sharp's, and Adkins' refusal to sign the declaration.
However, the petition was dismissed in a decision mailed on April
17, 2002. Petitioner was not succesful in showing that a copy of
the application papers (specification, claims, and drawings) were
presented to the non-signing inventors.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof
that the non-signing inventor(s) cannot be reached or refuses to
sign the oath or declaration after having been presented with the
application papers (specification, claims and drawings); (2) an
acceptable oath or declaration in compliance with 37 CFR 1.63;
(3) the petition fee; and (4) a statement of the last known
address of the non-signing inventor(s).

On renewed petition, petitioner has supplied copies of cover
letters addressed to non-signing inventors Lang, Sharp, and
Adkins, dated April 25, 2002, which transmitted the application

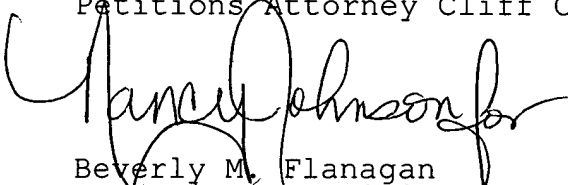
papers. Petitioner has also included a declaration from paralegal Jennifer Rush, the person responsible for forwarding the application papers. According to Rush, as of June 10, 2002, no response from the non-signing inventors has been received.

The declaration filed January 29, 2002 and the petitions filed January 29, 2002 and June 10, 2002 have been reviewed and found to be in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to the Office of Initial Patent Examination (OIPE) for continuation of pre-examination processing.

Telephone inquiries related to this decision may be directed to Petitions Attorney Cliff Congo at (703) 305-0272.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy